

REMARKS

Claims 1-3, 5, 6, 9, and 11-26 are pending in the application. Claim 1 has been cancelled by this amendment. Therefore, claims 2, 3, 5, 6, 9, and 11-26 are at issue.

This amendment is submitted in accordance with 37 C.F.R. §1.116(a) and §1.116(b) in order to present the rejected claims in a better form for allowance or appeal. The amendment is necessary to eliminate rejections under 35 U.S.C. §102(b), 35 U.S.C. §102(e), and 35 U.S.C. 103. This amendment was not presented earlier because the rejection under 35 U.S.C. §102(e) is a new grounds of the rejection. This amendment should be entered because it places the application in better form for allowance or appeal, and the amendment does not require further searching or present any new issues.

Independent composition claim 1 has been cancelled from the application. The features of now cancelled independent claim 1 have been incorporated into method claim 17, and claim 17 has been rewritten an independent claim. Claims 2, 3, 5, 6, 9, 11-16, 25, and 26 also have been amended to depend directly or indirectly from independent method claim 17. No other amendments have been made to the claims.

It must be noted applicants cancelled all composition claims without prejudice to filing a continuing application directed to the disclosed compositions. The composition claims were not cancelled because of issues relating to patentability, but to facilitate prosecution of the above-identified application.

Claims 1-3, 5, 6, 9, 11-16, and 26 stand rejected under 35 U.S.C. §102(b) as being anticipated by, or alternatively under 35 U.S.C. §103 as being obvious over, Beerse et al. U.S. Patent No. 6,294,186 ('186). The examiner contends that the '186 patent discloses the claimed composition, or renders the claimed compositions obvious. In view of the amendments to the claims, and for the reasons set forth below, it is submitted that this rejection should be withdrawn.

The rejections over the '186 patent is directed *only* to compositions. In view of the amendments to the claims, only method claims remain in the present application. Because method claims 17-24 were not included in the rejections based on the '186 patent, it

is submitted that all pending claims are free of the '186 patent and that the rejections based on the '186 patent should be withdrawn.

Claims 1-3, 5, 6, 9, and 11-26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Seitz et al. U.S. Patent No. 6,861,397 ('397). For the reasons set forth below, it is submitted that this rejection has been overcome and should be withdrawn.

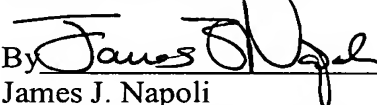
In particular, applicants submit concurrently with this amendment the Declaration of Earl P. Seitz. This declaration is filed in response to the Office Action of February 20, 2007, and for the reasons set forth in that Office Action, it is submitted that the attached declaration overcomes the 35 U.S.C. §102(e) rejection of the pending claims over the '397 patent.

In view of the above, it is submitted that the claims are of proper form and scope for allowance. An early and favorable action on the merits is respectfully requested.

Should the examiner wish to discuss the foregoing, or any matter of form in an effort to advance this application toward allowance, the examiner is urged to telephone the undersigned at the indicated number.

Dated: June 7, 2007

Respectfully submitted,

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